

**IN THE COURT OF APPEALS OF TENNESSEE
MIDDLE SECTION AT NASHVILLE**

FILED

January 14, 1998

Cecil W. Crowson
Appellate Court Clerk

ROBERT OGBURN,)	
)	
Plaintiff/Appellant,)	Davidson Chancery
)	No. 96-1806-I(II)
VS.)	
)	Appeal No.
TENNESSEE DEPARTMENT OF)	01A01-9707-CH-00284
CORRECTION, ET AL.,)	
)	
Defendants/Appellees.)	

DISSENTING OPINION

I respectfully dissent from the court's conclusion that the Department of Correction was not required to promulgate Policy 502.02 as a rule in accordance with the Uniform Administrative Procedures Act. *See Mandela v. Campbell*, App. No. 01A01-9607-CH-00332, 1996 WL 730289, at *3 (Tenn. Ct. App. Dec. 20, 1996), *perm. app. granted* (Tenn. May 12, 1997) (Koch, J., dissenting).

I concur with the remaining provisions of the opinion.

WILLIAM C. KOCH, JR., JUDGE